Jon Niermann, *Chairman*Bobby Janecka, *Commissioner*Catarina R. Gonzales, *Commissioner*Kelly Keel, *Executive Director* 



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 22, 2024

Laurie Gharis, Chief Clerk Office of the Chief Clerk Texas Commission on Environmental Quality P.O. Box 13087, MC-105 Austin, Texas 78711-3087

RE: TCEQ Docket No. 2023-0845-DIS; Regarding Application For Johnson County Municipal Utility District No. 1

Dear Ms. Gharis:

Enclosed you will find the Executive Director's portion of the Administrative Record consisting of those documents specified at 30 TAC § 80.118(a)(1)-(4) and (6).

Please do not hesitate to contact me at Harrison.Malley@tceq.texas.gov if you have any questions. Thank you for your attention to this matter.

Sincerely,

Cole Malley, Staff Attorney - Environmental Law Division



## NOTICE OF DISTRICT PETITION TCEO Internal Control No. D-07202022-033

**PETITION.** Samuell Sparkman Brindley Trust (Petitioner) filed a petition for creation Johnson County Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 333.232 acres located within Johnson County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Mansfield, Texas (City), and no portion of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas.

In accordance with Local Government Code Section 42.042 and Texas Water Code Section 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code Section 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code Section 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A" which is attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$67,335,000 (\$57,735,000 utilities plus \$9,600,000 roads).

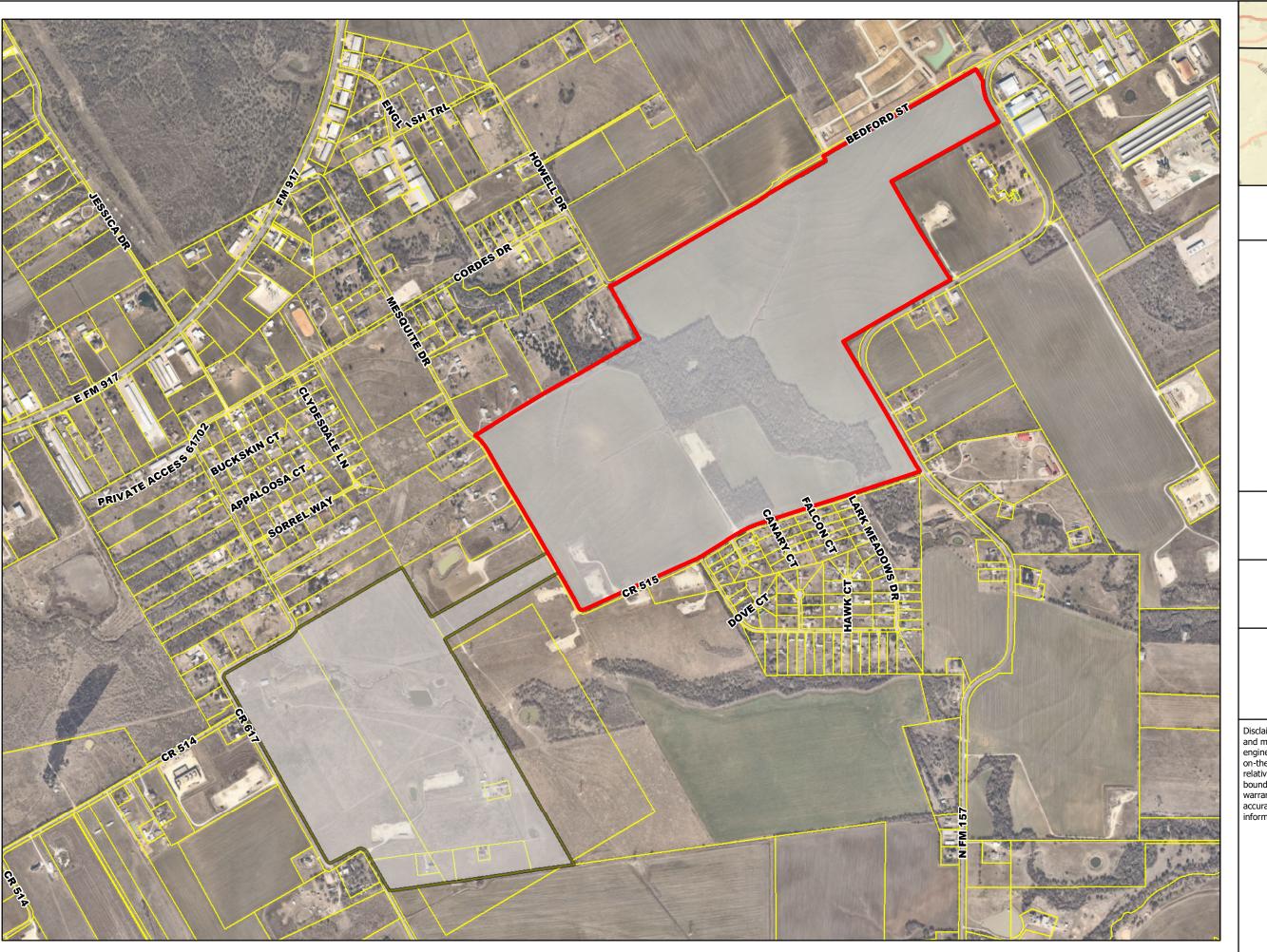
**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

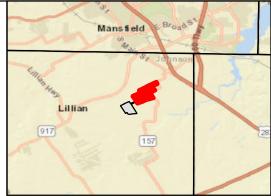
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**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. General information regarding TCEQ can be found at our web site <a href="http://www.tceq.texas.gov/">http://www.tceq.texas.gov/</a>.

Issued: December 28, 2022





## **VICINITY MAP**

Scale: 1 inch equals 5 miles

#### **LEGEND**

JCMUD 1

Development Boundary

Parcels

## **EXHIBIT A VICINITY MAP**

#### JCMUD 1 **333.23 ACRES JOHNSON COUNTY**



1 inch = 1,000 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.





# NOTICE OF HEARING Johnson County Municipal Utility District No. 1 SOAH Docket No. 582-24-08885 TCEQ Docket No. 2023-0845-DIS TCEQ Internal Control No. D-07202022-033

#### PETITION.

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#### CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - March 5, 2024

To join the Zoom meeting via computer:

https://soah-texas.zoomgov.com/

Meeting ID: 160 714 8924 Password: CEQ885

or

**To join the Zoom meeting via telephone:** (669) 254-5252 or (646) 828-7666

Meeting ID: 160 714 8924 Password: 418523

Visit the SOAH website for registration at: http://www.soah.texas.gov/ or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapters 49 and 54, Texas Water Code; Chapter 395, Texas Local Government Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 293; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at <a href="www.soah.texas.gov">www.soah.texas.gov</a>, or in printed format upon request to SOAH."

#### INFORMATION.

For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-6363. For additional information, contact the TCEQ Water Supply Division, Districts Section (MC 152), P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-4691. General information regarding the TCEQ can be found at our web site at <a href="https://www.tceq.texas.gov">www.tceq.texas.gov</a>

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: February 8, 2024

Laurie Gharis, Chief Clerk Texas Commission on Environmental Quality

Print Form

TCEQ - Office of the Chief Clerk MC-105 Attention: Notice Team

PO Box 13087

Austin TX 78711-3087

Applicant Name: Johnson County MUD 1

TCEQ Tracking No. D-07202022-033

CID Item No. 130755

Application Type: PETITION FOR CREATION OF A DISTRICT

## AFFIDAVIT OF PUBLICATION

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STATE OF TEXAS §					1
COUNTY OF: Jo	hnson		§		:
Before me, the undersigned			ared		
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TOSCHA V Notary Public, S Comm. Expires Notary ID 1	tate of Texas 03-19-2023	Print or type Na	•		523



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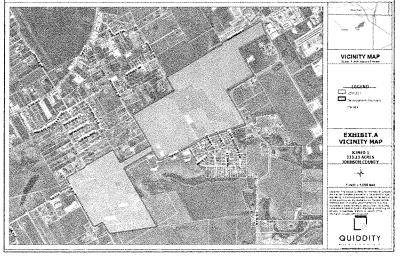
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Issued: December 28, 2022



#### In memoir, Prince Harry savs William attacked him during row

LONDON (AP) — Prince Harry says his brother William physically attacked him during a ferocious argument — one of many starting allegations in a new memoir that includes rev-

menty starting alongations are assert means that the ducks reveal at ions about the estranged royals drug status, first sexual encounter and role in Miling vices in Adjamation. In the ghost written and policy and the starting a

Spanish-language copy of the book alread of its publication in follanguage around the world on Busslay. Harry recounts a 2019 argument at his Kensington Palsachome, in which he says William called Harry's wife, the former actor Meghan Markle, 'difficult,' rude' and 'abrastive'. Harry said William grabbed his brother by the collar and ripped his necklose before handking him down. I landed on the dog's book, which tracked under my back, the pieces cutting nith me.'

which cracked under my back, the pieces cuttling into me," Harry says in the passage, first reported by The Guardian. Harry says he had scropes and bruises as a result of the tussie, for which William later

and bruises as a result of the tasse, for which William later appleagard.

The allegation is one of a slew in a book that exposes painful, intimate — and in some cased contested — details about the lives of Harry and other members of the royal family. The memorie vibe latest in a string of juddier evel-strong and accustions by Harry and Agabran that have shaken Britting of the string of public evel-strong and accustions by Harry and Agabran that have shaken Britting of the string as an Apache belloop-ber co-pieta and gunner in 20th as part of Britain's military compaging against the Blaban in Afghanistan He said he felt mether pride nor shame about his actions, and in the boat of buttle regarded enemy combatants as pieces being removal from a chessboard.

Late British Army — vara the last discreting a pain a place of his price of the string price of the price of the price of the string price of the pri

indestance accurate in the control of the country of the counts Harry's decardes of disearchautment with his privileged, scruit raised and constrained royal life. In it he shildes to the book's title, recounting the alleged words of his father, then Prince Charles, to his mother, Princess Diana, on the day of his larth: Wonderfull: Now you've given me an her and a spare — my work scouch. While William was desarround from birth to be king. Harry, who is fifth in line to the throne before and William's three children, has often appeared to struggle with the more antilegous role of spare. In the book Harry describes his reboillous beenage years.

his rebellious teenage years. He recounts how he lost his

He recounts how be lost his virginity - 10 no deler wannun in a field behind a pub - and describes how he took occasion when he was 17. Noether Buckinghom Palace, which regressuts King Charles III, nos Williams' Konsington Palace office has commented on the allegations. Harry, 38, and the American actor murried at Windsor Castle in May 2018. Less than two, years later, the couple quit royal distates and moved to Cat-ferna, citing what they saws a forms, citing what they saw as the media's racist treatment of Meghan, who is biracial, and a lack of support from the pal-

size of support of the story in an interview with Oprali Winfrey and a six part. Net-flix documentary released the couple's bruising relationship with the LEK media and estrangement from the royal family.

estrangement from the regal famili.

In the series, Harry said William serversed at him during a family meeting and accused paleos officials of lying to protect his elder frouther, who is now hear to the throne. Meghan, 41, talked about wanting to end her life as she struggled to cope with toxic press coverage.

Harry has recorded mieriews with neward broadcasters in Raftain and the United States to promote the book.



#### NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-07202022-033

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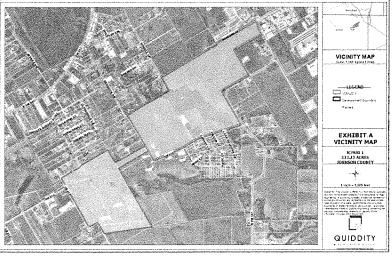
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Issued: December 28, 2022



#### COUNTY

From Page 41

"Citizen involvement is a powerful weapon in combatting crime and can be used effectively to enhance the efforts of local law enforcement."

Patty Maggard of Johnson County Crime Stoppers said the organization last year fielded 70,000 annymous tips, which led to 3,000 arrests and the seizure of about 878 million worth of illegaldrugs. Crime Stoppers also paid more than St million in reward money statewide last year, Maggard said.

gard said.
County wide, Crime
Stoppers volunteers saw a
75 percent increase in the
number of tips reported
over the third quarter of
last year and a 45 percent
increase in arrests related
to those tips.
"We're making a little

"We're making a little bit of a difference and we're pleased to know that to be true," Maggard said.

This year's emphasis will be on getting word out about Crime Stoppers and focusing on Campus Crime Stoppers, a student rewards tips program paying for information on felony and misdemeanor offenses leading to arrest or disciplinary action.

or disciplinary action.
Commissioners last
year awarded \$20,000 in
ARPA funds to Johnson
County Crime Stoppers.
The organization will use
those funds to produce
informational posters
and videos to spread word
of Crime Stoppers and
Campus Crime Stoppers,
Maggard said.
Johnson County Pre-

Johnson County Precinct 4 Constable Troy Fuller informed commissioners that the county recently received a \$134,415 grant from the Bullet Resistant Shield Grant Program of the Converses' Office

Bullet Resistant Shield Grant Program of the Governor's Office.

The grant, which requires no match on the county's part, will fund the purchase of 25 ballistic shields for use by the sheriff's as well as the constable's offices, Fuller said



POSTED

### TEXAS COMMISSION ON ENVIRONMENTAL OUALMY P.M.

11:26 AM



JAN 03 2023

April Long, County Clerk
Johnson County Texas

#### NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-07202022-033

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Issued: December 28, 2022



## Johnson County MUD No. 1 - D- 07202022-033 ("District") - Proofs of Publishing and Posting Notice of District Petition

Hahn, Vicki <vhahn@winstead.com> Tue 1/24/2023 10:16 AM

To: PROOFS < PROOFS@tceq.texas.gov>

Cc: Bijaya Chalise <bijaya.chalise@tceq.texas.gov>

Good morning,

In accordance with 30 T.A.C. 293.12, attached are the following proofs for the District:

- 1. Affidavit of Publication of the Notice of District Petition in the Cleburne Times Review on January 7, 2023 and January 14, 2023; and
- 2. Certificate of Posting of Notice of District Petition on the County website dated January 3, 2023.

If you need anything else, please let me know.

Best regards,

Vicki

#### Vicki Hahn Paralegal

Winstead PC | 401 Congress Avenue, Suite 2100 | Austin, Texas 78701 (512) 370-2931 direct | (310) 490-5060 cell | vhahn@winstead.com | www.winstead.com

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## NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-07202022-033

**PETITION.** Samuell Sparkman Brindley Trust (Petitioner) filed a petition for creation Johnson County Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 333.232 acres located within Johnson County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Mansfield, Texas (City), and no portion of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas.

In accordance with Local Government Code Section 42.042 and Texas Water Code Section 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code Section 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code Section 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A" which is attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$67,335,000 (\$57,735,000 utilities plus \$9,600,000 roads).

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. General information regarding TCEQ can be found at our web site <a href="http://www.tceq.texas.gov/">http://www.tceq.texas.gov/</a>.

Issued: December 28, 2022



Jon Niermann, Chairman Emily Lindley, Commissioner Bobby Janecka, Commissioner Erin E. Chancellor, Interim Executive Director



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 28, 2022

Mr. Matt McPhail Winstead PC 401 Congress Avenue, Suite 2100 Austin, Texas 78701

Re: Publication of Notice of District Petition regarding creation of Johnson County

Municipal Utility District No. 1

TCEQ Internal Control No. D-07202022-033

Dear Mr. McPhail:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Bijaya Chalise in the District Administration Office at 512/239-4545 if the notice is found to be in error.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.

In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibit A, on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.

The Chief Clerk's Office should receive all affidavits no later than 14 days after the

second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Georgia Carroll-Warren in this office at 512/239-3314.

Sincerely,

Laurie Gharis Chief Clerk

LG/ka Enclosures

cc: To all on attached mailing list.

#### **MAILING LIST**

#### Johnson County Municipal Utility District No. 1 TCEQ Internal Control No. D-07202022-033

Mr. Matt McPhail Winstead PC 401 Congress Avenue, Suite 2100 Austin, Texas 78701

Mr. Alex S. Pfefferkorn, P.E. Quiddity Engineering, LLC 2805 Dallas Parkway, Suite 600 Plano, Texas 75093

Ms. Alyssa Taylor, Regional Director TCEQ Region 4 2309 Gravel Drive Fort Worth, Texas 76118

The Honorable Brian Birdwell Texas State Senate District No. 22 Brian.birdwell@senate.texas.gov

The Honorable DeWayne Burns Texas State House District No. 58 Dewayne.burns@house.texas.gov

Ms. Becky Ivey, County Clerk Johnson County Clerk's Office P.O. Box 662 Cleburne, Texas 76033

Susana Marin, City Secretary City of Mansfield 1200 East Broad Street Mansfield, Texas 76063

Johnson County Special Utility District 740 FM 3048 Joshua, Texas 76058

Ms. Betty Voights, Executive Director Capital Area Council of Governments 6800 Burleson Road, Building 310, Suite 165 Austin, Texas 78744

Mike Eastland, Executive Director North Central Texas Council of Governments P.O. Box 5888 Arlington, Texas 76005-5888

Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173

Harrison Cole Malley Attorney, Environmental Law Division, MC-173

Justin P. Taack, Section Manager, Districts Section, MC-152

Bijaya Chalise, Technical Manager, Districts Bond Team, MC-152

Sean Ables, Water Supply Division, MC-153

Garrett Arthur, Office of the Public Interest Counsel, MC-103

Print Form

TCEQ - Office of the Chief Clerk

MC-105 Attention: Notice Team

PO Box 13087

Austin TX 78711-3087

Applicant Name: Johnson County MUD 1

TCEQ Tracking No. D-07202022-033

CID Item No. 130755

Application Type: PETITION FOR CREATION OF A DISTRICT

#### **AFFIDAVIT OF PUBLICATION**

STATE OF TEXAS §	
COUNTY OF:	§
Before me, the undersigned authority, on this d	lay personally appeared
	, who being by me duly
(name of newspaper repre	sentative)
sworn, deposes and says that (s)he is the	
	(title of newspaper representative)
of the	; that said newspaper is
of the(name of newspa	aper)
regularly published or circulated in	County/Counties,
(r	name of county or counties)
Texas; that the attached notice was published in	n said newspaper on the following dates:
(date or dates of publica	ation)
<u></u>	Newspaper Representative's Signature
Subscribed and sworn to before me this the	day of,
20, to certify which witness my hand	d and seal of office.
	Notary Public in and for the State of Texas
(Seal)	
` ,	Print or type Name of Notary Public
	My Commission Expires
	0019